

24/09/08

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.C. No. 164/2006

Appellant
(Non-applicant No.3)

: National Insurance Company Limited,
Through Branch Manager, Branch Office,
Vyapar Vihar Road, Taha Complex,
Bilaspur (CG)

Versus

Respondents
(Applicant)

(Non-applicant No.1)

(Non-applicant No.2)

1. Thanu Ram Markam, S/o Late Govind Markam, aged 23 years, R/o Binauri, & Post Office Kathakoni, Tahsil & P.S. Takhtpur, Distt. Bilaspur (CG)
2. Prahlad Sriwas, S/o Khorbahra Sriwas, aged 36 years, R/o Village Ameri, Tahsil-Takhatpur, P.S. Chakarbhata, Distt. Bilaspur (CG)
3. Amarjeet Singh Bhagas, S/o Niranjn Singh (dead)
Legal Representatives:-
(A) Smt Gurmeet Kaur, Wd/o Late Amarjeet Singh, aged not known.
(B) Harmeet Kaur, D/o Late Amarjeet Singh, aged about 21 years.
(C) Harspal Singh, S/o Late Amarjeet Singh, aged about 29 years
(D) Niranjn Singh Bhagat, S/o Late Amarjeet Singh, aged about 75 years
(E) Smt Surmeet Kaur, W/o Niranjn Singh Bhagat, aged about 70 years

All are R/o 27 Kholi Chowk, Bilaspur, P.S. Civil Lines, Tah & Distt. Bilaspur (CG)

Appeal under Section 173 of the Motor Vehicles Act, 1988

Present: Shri Dashrath Gupta, counsel for the appellant.
None appears for respondent No.1 though served.
Shri M.K. Bhaduri, counsel for the respondent No.2.
Ms. Sangeeta Mishra, counsel for respondent No.3 (A) to (E).

ORAL ORDER
(Passed on 19-09-2008)

During the course of the arguments, an amicable settlement was arrived at between the parties. In view of the fact that no permanent disability was caused to the claimants, liability of the insurance company under the Workmen's Compensation Act would not arise, learned counsel for

the legal representatives of the deceased/owner agreed to satisfy the award and prayed that the appellant/insurance company be exonerated from payment of compensation. This settlement was also agreed upon by Shri M.K. Bhaduri, counsel for the respondent No.2/driver and by the learned counsel for the appellant/insurer.

(2) In view of the submission, award dated 29/04/2006 passed by the IVth Additional Motor Accidents Claims Tribunal (Bilaspur) in claims case No.93/2005 is modified to the extent that the appellant/insurer is exonerated from the liability to pay compensation to the claimants which shall rest with the respondents/legal representatives of the deceased-owner.

(3) Statutory deposit, if any, made by the insurer if not already disbursed to the claimants shall be refunded.

(4) With the above observation, the appeal stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya